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Applicant or Patentee: William E. Marshall
Serial or Patent No. 08/517,016
Filed or Issued August 18, 1995

Attorney's
Docket No.: 31017-011

For: Methods of Modulating the Immune Systems of Animals with
Compositions of Products Released by Stressed Microorganisms

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☒ the owner of the small business concern identified below:
- ☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN	Immunon Technologies, Inc.
ADDRESS OF CONCERN	112 Succabone Road
	Bedford Hills, N.Y. 10507

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled by inventor(s) described in

- ☐ the specification filed herewith
- ☒ application serial no. 08/517,016, filed August 18, 1995.
- ☐ patent no. .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING
TITLE OF PERSON OTHER THAN OWNER
ADDRESS OF PERSON SIGNING

William E. Marshall
112 Succabone Road
Bedford Hills, N.Y. 10507

SIGNATURE William E. Marshall DATE 11-13-95



Attorney Docket No.: 31017-011

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"Methods of Modulating the Immune Systems of Animals with
Compositions of Products Released by Stressd Microorganisms"

the specification of which
[] is attached hereto.

[] was filed on as PCT international Application Number on and was amended under PCT Article 19 on (if applicable).

[x] was filed on August 18, 1995 as U.S. Patent Application Serial No. 08/517,016

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having filing a date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

<u>Country</u>	<u>Number</u>	<u>Day/Month/ Year Filed</u>	<u>Priority Claimed</u>	
			<u>Yes</u>	<u>No</u>
			[]	[]
			[]	[]

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (Patented, Pending, Abandoned)</u>
U.S. 08/376,175	January 20, 1995	Pending
U.S. 08/059,745	May 11, 1993	Abandoned

I hereby appoint Joseph H. Paquin, Jr. (Reg. No. 31,647), Margaret M. Duncan (Reg. No. 30,879), Kevin T. Conroy (Reg. No. 38,113) and John G. Bisbikis (Reg. No. 37,062) members of the bar of the State of Illinois, of the firm McDermott, Will & Emery using the address 227 West Monroe Street, Chicago, Illinois 60606-5096 (Telephone 312/372-2000), my attorneys, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith. It is requested that all correspondence be directed to:

MARGARET M. DUNCAN
McDERMOTT, WILL & EMERY
227 West Monroe Street
Chicago, Illinois 60606-5096

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of
sole or first
inventor: 180
William E. Marshall
Inventor's
Signature: William E. Marshall
Date: 11-8-95
Residence: 112 Succabone Road, Bedford Hills, New York 10507
Citizenship: United States
Post Office
Address: 112 Succabone Road, Bedford Hills, New York 10507

Full name of
second joint
inventor: 200
Michael K. Hoffmann
Second
Inventor's
Signature: Michael K. Hoffmann
Date: 11-8-1995
Residence: 132 Greene Street, New York, New York 10012
Citizenship: United States
Post Office
Address: 132 Greene Street, New York, New York 10012

Full name of
third joint
inventor:

Third
Inventor's
Signature: _____

Date:

Residence:

Citizenship:

Post Office
Address:

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